

REMARKS/DISCUSSION:

This Amendment C is being filed within three months after the shortened statutory period for response that ended on November 22, 2007. Accordingly, a Petition for a Three-Month Extension of Time is attached hereto.

By this Amendment C, claims 1-14 remain pending in this application. Claims 1 and 11 have been amended. Support for the amendment to claim 1 is found at least at page 8, lines 2-25 of the specification.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Claim Objections

Claim 11 is objected to certain recitations that lack antecedent basis. Claim 11 has been amended to overcome this rejection.

Rejection under 35 U.S.C. § 103(a)

Claims 1, 5-8 and 10-13 stand rejected as being anticipated by U.S. Patent No. 5,897,569 to Kellogg et al. ("Kellogg") in view of U.S. Patent No. 5,913,836 to Hatta ("Hatta") as noted in the Office Action.

Claim 1 has been amended to microprocessor means for producing one or more frequency signals that sweeps either from above or below a target resonance frequency of the handpiece. This feature is neither disclosed nor suggested in either of the Kellogg or Hatta references. The amended feature provides for obtaining resonance frequency of the handpiece. This feature is recited further in claim 10.

With respect to claim 10, the Examiner states that Kellogg discloses "the ultrasonic surgical system of claim 1, wherein during start up of the system

causes the amplifier to generate an ultrasonic signal at a frequency near resonance (col. 1, lines 59-63), and to increment the frequency toward resonance while monitoring the outputs of said digital phase detector and digital impedance detector, and to halt the incrementing when these outputs indicate resonance of the hand pieces (col. 2, lines 3-48).

Applicants respectfully state that Kellogg does not disclose or suggest producing one or more frequency signal sweeps from above or below a target resonance frequency of the handpiece as recited in claim 1. Further, Kellogg does not disclose or suggest "generat[ing] an ultrasonic signal at a frequency near resonance, and to increment the frequency toward resonance while monitoring the outputs of said digital phase detector and digital impedance detector, and to halt the incrementing when these outputs indicate resonance of the hand piece" as recited in claim 10.

In col. 1, lines 59-63, Kellogg discloses that it "is intended to drive an ultrasonic transducer at a resonant frequency. . . . An undesired condition, in this instance would be indicated by a loss of resonance." Clearly, there is no disclosure in Kellogg on how to acquire the resonant frequency, only that it is preferred to drive a handpiece at its resonant frequency. Further, the disclosure in col. 2, lines 3-48, cited by the Examiner, recite how to re-establish resonance when it has been lost, for whatever reason. Kellogg discloses a superimposed control value, which, in one embodiment, represents the magnitude of the output control value which corresponds to a feedback signal for the most recent resonant frequency condition. Again, there is no disclosure or suggestion about a incremental frequency signal, above or below resonance and monitoring outputs of a digital phase detector and digital impedance detector so as to determine resonance.

At least for these reasons, Kellogg does not disclose or make obvious in view of Hatta, claims 1, 5-8 and 10-13.

Claims 2-4 stand rejected over Kellogg in view of Hatta and in view of Honda (6,066,135). At least for the reasons stated above and based on

dependency, Kellogg, alone or in combination with Hatta and Honda neither disclose nor make obvious claims 2-4.

Claim 14 stands rejected over Kellogg in view of Hatta and Burnside (6,511,478). At least for the reasons stated above and based on dependency, Kellogg, alone or in combination with Hatta and Burnside neither disclose nor make obvious claim14.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]